



18 JAN 2006

GLAXOSMITHKLINE
CORPORATE INTELLECTUAL PROPERTY, MAI B475
FIVE MOORE DR., PO BOX 13398
RESEARCH TRIANGLE PARK NC 27709-3398

In re Application of	:	
EATHERTON, Andrew John et al.	:	
Application No.: 10/524,470	:	DECISION ON
PCT No.: PCT/EP03/09217	:	
Int. Filing Date: 19 August 2003	:	PETITION
Priority Date: 21 August 2002	:	
Attorney Docket No.: P33099USW	:	UNDER 37 CFR 1.42
For: PYRIMIDINE DERIVATIVES AND	:	
THEIR USE AS CB2 MODULATORS	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration reveals an indication that joint inventor Richard Howard Green is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 19 August 2003, applicants filed international application PCT/EP03/09217, which claimed a priority date of 21 August 2002. A copy of the international application was transmitted to the Office by the International Bureau on 04 March 2004. The deadline for entry into the national stage in the United States was 21 February 2005.

On 14 February 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 08 August 2005, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the filing fee, search fee, exam fee or oath or declaration were required.

On 23 August 2005, applicants submitted the instant request for status under 37 CFR 1.42.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration is signed by an executor. The declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal

address. See 37 CFR 1.497. The declaration appears to list the information for the inventors, with the exception of inventor Green and the required information for the legal representative, Jennifer Doughty. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. **THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.** Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571)272-3292

Facsimile: (571)273-0459